

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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XL-CARE AGENCY, INC.,

Plaintiff,

- v -

UNICARE LIFE & HEALTH INSURANCE
CO., INC.,

Defendant.
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MEMORANDUM

CV-05-5214 (DGT)(VVP)

The court having reviewed the letter submitted by the plaintiff dated January 13, 2006 and the authorities cited there, including *Romney v. Lin*, 94 F3d 74, 78 (2nd Cir. 1996) and *I.V. Services of America, Inc. v. Trustees of American Consulting Engineers Council Ins. Trust Fund*, 136 F.3d 114, 117 (2nd Cir. 1998), the court concludes that the claims in this case are properly brought by the plaintiff, as assignee of a beneficiary of a welfare benefit plan governed by ERISA, and raise a federal question such that this court has subject matter jurisdiction to determine the controversy.

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
February 3, 2006